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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,470	04/15/2004	Charles Joseph Dellis	136845 (SPLG 1143US1)	8120
45436	7590	10/09/2007	EXAMINER	
DEAN D. SMALL			LAMPRECHT, JOEL	
THE SMALL PATENT LAW GROUP LLP				
611 OLIVE STREET, SUITE 1611				
ST. LOUIS, MO 63101				
			ART UNIT	PAPER NUMBER
			3737	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,470

Applicant(s)

DELLIS, CHARLES JOSEPH

Examiner

Joel M. Lamprecht

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/30/07 have been fully considered but they are not persuasive. Regarding the argument that the art of record does not inherently "control an amount of time it takes for post-processing operations based on a current level of scanning operations" examiner takes note that in modern computer systems, the processing units are only capable of processing information, and thereby limiting or controlling the time it takes to move onto the next task, at a definite rate. Control of an amount of time for post-processing would be determined by the speed of the processing unit involved in the transmittal of information regarding the medical images. It should be appreciated that advancements in computer processing hardware and software at the time of the invention would allow for one skilled in the art to have easily understood the transformation of information across a VPN, the internet or a WAN/LAN connection. Additionally, the restriction of the amount of time it takes for a post-processing could reasonably be attached to the security system disclosed in Suresh, as a security firewall could block access to information at a time when an image processing procedure is taking place or being uploaded substantially, and after such a load decreases (see server to person and peer to peer sharing), the security system could be deactivated (0139-0147). The system of Suresh does not limit itself to only "live feed" images, and relative delays in access to the image are a result of geographic, CPU, and LAN/WAN connectivity restrictions/limitations. The limitations provided in independent claim 30 fail to overcome the rejection of record. The act of supplying information to different

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workstations at different geological areas allows for individuals from different entities than the entity at the geological to obtain access to the information should the security system of Suresh allow such acquisitions. The arguments with respect to independent claim 34 are not persuasive as a "predetermined time" could constitute any future time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suresh et al. in view of Schweikard et al (US 6,501,981). Suresh et al disclose a majority of the invention as claimed including a method and system for image processing including configuring a medical system for remote access and performing post-processing operations on the image information from one of a number of locations via public telecom infrastructure ([35], Figure 1, [139 and 140-146], a local private network [140-146], a medical imaging device [148], at least one workstation [Figure 1], allowing access from the medical imaging system in real-time [175-177, 205, 213, 230, 501-513], receiving post-processed information [511-513], storing post-processed information [141], restricting access [145-147], functionality and securing the network [145-147].

Regarding Claims 16 and 37, Suresh et al disclose a system of incentive-based rewards including monetary rewards to track the assistance of those helping with

diagnosis and providing post-processed assessments of patients as well as the additional planning of further procedures and courses of action [216-218]. While not a direct "billing" system, such a system is capable of acting as a per-assistance billing or reward system and additionally provides a means of tracking the efforts of individuals accessing the image information remotely.

Suresh et al do not disclose a method of remote control of an imaging system including the motion of a table, gantry, or the imaging system itself. Attention is then directed to the secondary reference by Schweikard et al, which describes a method for remote controlling an imaging system during a radiosurgical procedure. Their particular disclosure provides remote methods for motion of an imaging system, as well as compensation for motion artifacts via an adaptable marker-based motion detection system (Col 10 Line 55- Col 11 Line 55). It would have been obvious to one having ordinary skill in the art at the time of the invention to have utilized the radiosurgery control methods disclosed by Schweikard et al with the post-surgery assessment and remote access data sharing methods of Suresh et al for the purpose of acquiring a plurality of opinions on the course of action required for a particular patient.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel M. Lamprecht whose telephone number is (571) 272-3250. The examiner can normally be reached on Monday-Friday 7:30AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571)272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John 9/29/07


BRIAN L. CASLER
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